

D/L43
15.05.2026
Bpg.
Allowed

C.R.M. (NDPS) 801 of 2026

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kaliachak Police Station Case No.1400 of 2025 dated 10.08.2025 under Sections 21(c)/27(A)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

Md. Rajikul Islam
Versus
The State of West Bengal

Mr. Kalidas Saha
Mr. Pikesk Kumar Chouhan.
...for the petitioner.

Mr. Somnath Adhikary.
...for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 7 months and the chemical examiner's report contains three contrabands being Diacetylmorphine, 6 Monoacetylmorphine and Morphine. The schedule to the NDPS Act do reflect separate quantification in respect of each of the contraband. However, no quantification has been done by the chemical examiner, as such, it is difficult to ascertain regarding the quantity being commercial quantity or number of intermediate quantity.

Mr. Somnath Adhikary, learned advocate, was directed to represent the State. His appearance may be regularized by the concerned authority. Learned advocate for the State opposes the prayer for bail.

It has also been submitted that one of the accused person is absconding. There is no possibility of the trial commencing in near future, as such, without entering into the merits of the case but relying upon the judgment of the Hon'ble Supreme Court in SLP(Crl.) No.13987 of 2025 (Sentu Seikh Versus State of West Bengal), I am inclined to release the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is allowed. The petitioner, namely, Md. Rajikul Islam shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties of Rs.10,000/- each, one of whom must be local to the satisfaction of the learned Judge, Special Court, under NDPS Act-cum- learned Additional District Judge, 4th Court, Malda. If on bail, the petitioner shall be physically present on each and every date fixed by the learned special court and shall not leave the district of Malda without prior permission of the learned special court.

Accordingly, CRM(NDPS) 801 of 2026 is allowed.

Memo of Evidence submitted by the State be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)

